

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/298,160 04/22/99 CUSTER

D MI22-1172

021567 IM62/1215  
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EXAMINER

OLSEN, A

ART UNIT

PAPER NUMBER

1746

DATE MAILED:

12/15/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/298,160</b>	Applicant(s) <b>Custer et al.</b>
	Examiner <b>Allan Olsen</b>	Group Art Unit <b>1746</b>

Responsive to communication(s) filed on Oct 30, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-5 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Withdrawal of Claim Rejections***

1. In view of the amendment filed 10/30/2000, all previous claim rejections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations of claims 2-5 are directed to a semiconductor process whereas claim 1 is directed to a method of preparing a liquid. This shift of focus makes it unclear what Applicant intends to claim be claiming - a method of preparing a liquid or a semiconductor fabrication process.

In addition, the limitations of claims 2-5 attempt to limit the said "semiconductor fabrication process" of claim 1, however, the semiconductor fabrication process is a statement of future intended use that is recited only in the preamble. As such, the "semiconductor fabrication process" is not a limitation and therefore the "semiconductor fabrication process" may not provide the basis for a further limitation.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al. (US 5,800,626).

Cohen teaches a method of preparing a liquid by first degassifying the liquid and then regassifying the liquid so that the dissolved gas content is greater than 200 ppb. See: figure 1; col. 5, lns 5-15; col. 7, lns 40-43; col. 3, lns 59-60.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai et al. (US 6,082,373).

Sakurai teaches a method of preparing a liquid by first degassifying the liquid and then regassifying the liquid so that the dissolved gas content is greater than 200 ppb. See: col. 1, lns 66-67.

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7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Yeol et al. (US 6,039,815).

Yeol teaches a method of preparing a liquid by first degassifying the liquid and then regassifying the liquid so that the dissolved gas content is greater than 200 ppb. See: col. 5, lns 12-27; col. 6, lns 41-42; col. 7, lns 26, 42, 64.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Additionally, Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/30/2000 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

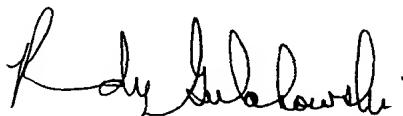
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is (703) 306-9075. The examiner can normally be reached on Monday through Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (703) 308-4333. The fax phone number for this Group is (703) 305-7719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Allan Olsen, Ph.D.

December 13, 2000



RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
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